App F IX 4

1946 47
(mL)

File No 67-46
Serial Nos 32, 33

Previous References
Mk 62-35 (26 28)
" 57-40 (10 11)
" 109-44 (19 20)
Later Reference s

GENERAL AND REVENUE SECRETARIAT

Serial Nos Nil

Part B for April 47

SUBJECT

Bye laws framed by the Shimoga Town Municipal Council for regulation and suspension of market fees under Section 44(1) a and (b) and 78(2) of town Mun. Act A 1848-22-23 & 25-4-47

To the Shimoga Comptroller for favour the ——

214/RL

584/L

General and Revenue Secretariat | File No | of 194 | [App F III–2

Serial No

From the D.C Shimoga
No M 3 P 2 44 1 C 2267/64 3/12/64

His proposals in regard to the bye-laws framed by the Shimoga Town Hall for the regulation and inspection of market-fees at the place

1/ Mrs may be referred to the Law section to assist in scrutiny of the bye-laws proposed
Mrs 19/8/65 of for purpose of opinion about the suitability of the draft bylaws proposed by the Shimoga Municipal.

2/ Mr Seq
Legis Mr [illegible] Law
4/8/65

580/24 8/65

Mr RV

4) The following amendments are suggested in the byelaws

1 Byelaw 2. Power of Municipality may apply to Private markets also the word "Municipal" may therefore be omitted

2 Byelaw 3(b) Mrs - perhaps unnecessary because 3(a) gives the discretion to the President and it may be undesirable to set out how that discretion is to be exercised. It may lead to petitions that 3(b) has not been followed

NOTE—Contn Sheet

Markets - Bye Laws - Shimoga mlg

214/M.

File No of 194

General and Revenue Secretariat

Serial No

5) It is seen that the bye laws enumerates make use of the expressions market and Public market, Municipal market and Private market. The idea seems to be to permit certain municipal buildings as markets (municipal market) as well as to licence private buildings (Private market) certain bylaws like Provision for rent etc apply only to municipal markets. The other provisions apply to all markets - like cleanliness hours of work etc

6) It is, therefore, that the Provisions are properly arranged under the 2 heads indicated above and then put into force

7) It may be difficult thereafter to enforce the Provisions (Law Secy) 13/11/45

(7a) RV 14-11-45 14/11/45

(Asst Secy L & E)

13 NOV 1945 BANGALORE

Sd/- for orders of the D C Shimoga may be requested to modify the bye-laws, as suggested by the Legislative section and to submit the same for the approval of Govt

Sd/- 6/12

9) Please bring up for 6/12/45

Re Market bye-laws - Showing

584/L

A 10) As seen from the bye-laws submitted, rules 32 to 34 relate to ~~public~~ Private Markets exclusively. Rule 8 of Schedule e covers all the points (Pg c)

11) By substituting 'Municipal' for the word "public" occurring in rule 3(a) and rule 23 of the rules, the rules from 1 to 31 become applicable to Municipal Markets only and then this would be consistent with the legal opinion given at para 5, 6 & 7 supra & if this is done, no change is called for to omit the word "Municipal' occurring in bye-law 2', as opined at para ~~4(2) supra~~ 4(1) supra

12) Bye law 3(b) will however be struck off; as suggested by ~~the Asst~~ the Legis section

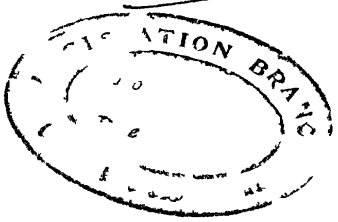
13) With the above changes, the bye-laws may perhaps be approved the Legis section may again be consulted in the matter

Mrs

584 214/41.

Letter from Y stating if the above ~~Bye~~ suggestions at paras 10, 11 & 12 of the notes Zipora would not meet the requirements of the case & whether the bye-laws in question require approval, after effecting the changes as noted therein

Asst Sec. Legislation
MLC
Sam
30/8/41
Hr 2 V



Bye Laws 32 to 34 relate to private markets exclusively. Bye-laws 1 to 31 are stated to apply to municipal markets only (vide para 11 of the notes). In some of these provisions the words "municipal markets" have been used and in others the word "market" is used. Whether this distinction is maintained to avoid repetition or advisedly to separate the two sets of provisions is not quite clear.

Attention is invited particularly to Bye-laws 2 and 3. In para 11 it is stated that "no change is called for to omit the word 'municipal' in Bye-law No 2. But there is no mention

Re: market bye-laws Shimoga & Hosa[illegible] Taluk

General and Revenue Secretariat | File No 214/M of 194 | 584-46/1 | [App F. III-2

Serial No

OFFICE OF THE MINISTER FOR AGRICULTURE
AUG 10 1946
No 1280

To Thus Byelaw which regulates the hours of work in conduction 8 of Schedule C This is open to doubt whether Bye Law No 2 may not be necessary in respect of Hosa markets

1584/1946

Bye law No 3 requires some draft changes. The clause preceding the existing clause 3(a) has not been numbered This clause has to be numbered clause 3(a) and the existing clause 3(a) renumbered as clause 3(b) The existing clause 3(b) will, of course, be omitted

The addition of the qualifying wor "municipal" appears necessary in respect of Bye Laws 11(a) and 3(which apply only to municipal marke

24/6/41/46
BVN 8/8

The draft bylaws have been drafted mainly on the lines of the orders passed at Items (7a).

Asst Secy Legislation
6/8/46

Mr KVR
Please see
7/8/46

Submitted with a draft G.O. for approval

Maybe approved

NOTE—Contn Sheet

13/8/ Minister for Agr) Secretary 10/8 Minister

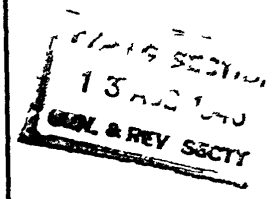
584
G5-6

File No | of 194 | General and Revenue Secretariat

Serial No

Rome
Cairo
13788/46

To Mr Dykes, Embassy
Completed Report
No. L 1468 re 3 & 25 & 47
Does this by-elaw as revised

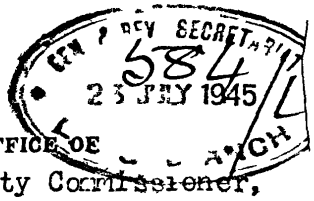


R
JQ
1151

F No 45]

Mel. 67-46-32

GOVERNMENT OF MYSORE

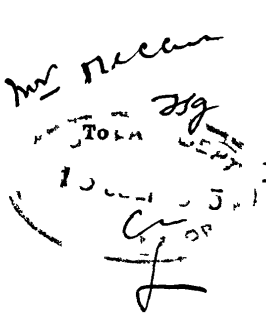


Telegram / phone

No M 3 P L 441 C 2287/44-45
Encls Records

The Deputy Commissioner,
Shimoga District,
Shimoga

Date 13th July 1945.



The Legal Remembrancer &
Secretary to Government,
Law Department, Bangalore

Sir

Subject - Bye-Laws framed by the Shimoga Town Municipal Council, for the regulation and Inspection of Market fees- under Sections 48(1)(a) and (b) and 78(3) of the Town Municipality Act 1933

I have the honour to state that the President Shimoga Town Municipality states that with a view to regulate and inspect the Markets in Shimoga Town, the local Municipal Council has framed Draft-bye- Laws in this respect in pursuance of the instructions contained in the Development Secretary's letter No L 6316/ML 62-35-28 dated 18/19th February 1936 The Municipal Council at its meeting held on 9-9-44, considered the Draft-bye-Laws and passed a resolution to the effect that the same may be got published and the objections if any in this respect might be called for

In pursuance of this resolution the draft bye laws were published locally calling for objections if any from the public within one month from the date of publication of the draft bye laws

The Municipal President states that as no objections were received in this respect from the public within the stipulated time limit, the Municipal Council at its meeting held on 21-2-45, approved the Draft bye laws in question and passed a resolution to the effect that Government be requested to sanction the bye-law framed by the Shimoga Town Municipal Council under Sections 48(1) (a) and 78(3) of the Town Municipality Act 1933

The Municipal President requests that sanction of Government

Sanction of Government might be obtained to the draft bye-law under reference

The formalities prescribed have been duly observed

In the circumstances I request that sanction of Government may kindly be obtained to the draft-bye-laws framed by the Shimoga Town Municipal Council, for the regulation and inspection of Markets in Shimoga Town

The Copies of the draft bye-laws along with the copies of the relevant resolutions of the Municipal Council, received on the subject, from the Municipal President vide his letter No C5 64/44-45/3-3-45, are forwarded herewith for favour of reference

I have the honour to be
Sir
Your most obedient Servant

for Deputy Commissioner
Shimoga District

ASCC/1

G R S App F VI G 2]

SUBJECT

Diary No of letter replied to

General and revenue Secretariat

( )

the *192*

Date of issue 25.4.47

Signed by G R Rao

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Sec MC

File No 67-46

Serial No 33

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—,

Letter No Mb 3 P R 44 C 2287/44-45 dt 10-7-1945 from the Dy Commr, Shimoga &c, forwarding for approval the draft Bye laws framed under ~~sections~~ sections 48(1)(a) & (b) & 78(3) of the Town Mnties Act 1933 by the Shimoga Town ~~Order Thereon No~~ mnl cl for the regulation and inspection of markets in the mnlp, and stating that in response to the notification issued in this behalf, no objections have been received

Order No

L 14822—3 MC 67-46-33

The Bye laws dt 25.4.47 are approved &

Appended to this order

Dow 10/8/

Sergt Court

Lieut Randolph

To The Dy Commr Shimoga Dt (WR) ✓

The Comptroller ✓

List of enclosure

Copied by

Examined by

WD 0326—GPB—12 500—26-5 27

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

R E A D:-

Letter No M 3 PL 441C 2287/44-45 dated 13th July 1945 from the Deputy Commissioner, Shimoga District, forwarding for approval, the draft Byelaws framed under Sections 48 (1)(a) & (b) & 78(3) of the Mysore Town Municipalities Act 1933 by the Shimoga Town Municipal Council for the regulation and inspection of Markets in the Municipality, and stating that in response to the Notification issued in this behalf, no objections have been received:

****

ORDER NO L 14822-3 ML 6726-33/25-15 April 1947

DATED, BANGALORE, THE [illegible]

The Byelaws are approved and appended to this Order

SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT

To

The Deputy Commissioner, Shimoga District (With Records)

The Comptroller to Government of Mysore

Inc

SHIMOGA TOWN MUNICIPALITY

Notification No C5-64/44-45 Dated 12th January 45.

~~In modification of the existing market bye-laws~~, the following draft bye-laws framed by the Shimoga Town Municipal Council, under section 48 (1)-(a) & (b) and 78 (3) of the Mysore Town Municipal Regulation VIII of 1933, are hereby published for the information of the inhabitants of the Municipality of the Shimoga Town

Any inhabitant of the above Municipality objecting to the above proposed Bye-laws may within one month from the date of publication of this notification send his objections in writing to the President of the Shimoga Town Municipal Council

President,
Town Municipal Council,
Shimoga

SHIMOGA TOWN MUNICIPAL COUNCIL

Bye-laws framed by the Municipal Council of Shimoga for the Regulation and inspection of Markets under Section 48 (1) (a) & (b) and 78 (3) of the Town Municipalities ~~Regulation,~~ Act VIII of 1933

****

1 No place within the limits of the Town of Shimoga shall be used as a market or shop for the sale of meat or fish intended for human food or as a market for the sale of fruit or vegetables excepting the Municipal Markets, provided, that the President shall have power to license private markets for the sale of fruits or vegetables or retail shops for the sale of meat or fish in such other places as he may think fit for the purposes and to withdraw such licenses

2 ~~Municipal~~ Markets shall not be open for use by the public before 6 a m or after 10 p m

3 (a) No goods shall be brought into the Markets except such as are intended for sale and such goods shall be deposited or exposed for sale only in the shops, stalls, sittings or godowns set apart for such goods

(b) The President may let the use of any shops or stalls or sitting in the Public Markets for a period not less than three months and not more than twelve months either by auction or by prescribing a monthly rent subject to such conditions as may seem necessary

(b) Shops, Stalls or Sittings shall be let as far as possible without auction All original occupiers offering the maximum rent for a shop, stall or sitting may be given the first refusal In the case ~~xxx x~~ of the original occupier not offering the maximum rent, the shop, stall or sitting may be sold by auction to the highest bidder up to the maximum When two or more bidders offer the maximum for the same shop, stall or sitting preference shall be given to a bonafide dealer Where the number of such bonafide dealers exceeds one ~~of~~ the President may give the shop, stall or or sitting to one of them at his discretion

4 The monthly rent for each shop, stall or sittings shall be as mentioned in Schedule "A"

5 Every shop-keeper or stall holder shall before taking possession of the shop/stall, deposit in advance a sum not less than the rent for three months and shall pay on or before the 5th of each succeeding months the rent for the preceding month to the Market Sergeant or other person authorised by the President in writing to collect such rents

6 Every shop-keeper or stall-holder who fails to pay the prescribed rent shall be liable to be evicted from the shop or stall forthwith

7 No stall or shop shall be sub-let without the sanction of the President

8 All payments of rent shall be noted in the rent receipt form No 60 prescribed under 217 M A L Vol II which should be presented at the time of payment by the shop-keeper or stall-holder

9 Every shop-keeper or stall-holder who may employ another person to act for more than 3 days at a time in his stead shall declare the fact to the Market Sargeant who shall enter the name of the said substitute on the back of the rent receipt

10 All shops, stalls or sittings which have not been let and are therefore vacant may be utilised everyday by occasional vendors on payment of ground-rent at the ~~mentioned schedule~~ rates mentioned in Schedule "A" provided they remove their goods daily at or before the time of closing the market so as to allow of its being thoroughly cleansed for the next day

11 (a) No person other than stall-holder and other licensees, shall bring within the markets any goods without first purchasing a ticket after paying the fees prescribed therefor in Schedule "A"

(b) Any person acting otherwise will have to pay double the prescribed fees or if he is found to possess a ticket of less than the proper value will have to pay the double the difference hoever refuses to pay this amount shall not be permitted to sell or to expose his goods for sale in the market

12 A board showing the scale of fees will be hung at the front door of the ticket room of the markets between the hours of 6 a m and 10 p m for the information of the public

13 No projection of any kind from shops or stalls or sittings shall be allowed All such projections shall be removed by the Revenue and Sanitary Inspectors of other Officers authorised by the President

14 No tenant or occupier of any shop or stall or sitting in a market or servant of such tenant or occupier shall cause or allow any goods provisions or articles to be deposited or exposed for sale in or upon such shop or stall or sitting so that such goods, provisions or articles or any part thereof shall project beyond the line of such shop or stall or sitting

15 No goods shall be hawked or cried in the market excepting in the places specially assigned therefor

16 All shops, stalls and sittings shall be kept clean and tidy The District Health Officer, Chief Officer, the President or Vice-President or any Officer of not below the rank of Sanitary Inspector, shall have free access to the Market at any time on any day and shall have the power to prohibit the sale of any meat fish, vegetable, fruit or other articles of food exposed in the markets if, in the opinion of any of them, they are unfit for human consumption or otherwise injurious to health

21

17 All prepared eatables and all food stuffs that are consumed without being cooked shall be exposed in show cases well protected from flies and dust

18 (a) No person suffering from leprosy or other loathsome disease or contagious disease or having large, open or exposed sores shall be allowed to enter the markets or keep a stall in the market or be employed in any way in such markets and any such persons coming into the markets may be expelled by the Market Sargeant or his assistants

(b) No animal suffering from any contagious disease, shall be brought into a market or offered for sale in a market

19 All scales, weights and measures shall be of the prescribed standard and kept clean and in proper order Standard weights and measures shall be kept in the Municipal Office

20 All shop-keepers, stall-holders and other vendors in the ~~Public~~ Markets shall be decently and properly dressed

21 No one shall create a disturbance in the markets by singing or beating of tom-tom or by other musical instruments or by quarrelling or using abusive language

22 No person shall enter or loitor in any ~~Municipal~~ Market for the purpose of begging

23 Spitting the juice of pan-supari, throwing fruit peal or pieces of vegetables in any ~~public~~ markets, answering calls of nature or committing other nuisance except in the prescribed places are forbidden An breach of this rule shall render the offender liable on conviction before a Magistrate to a fine not exceeding Rs 25/-

24 The Sanitary Inspector or any Municipal Servant may expel from the premises of any Municipal Market any person who is found drunk, begging or loitering or who misconducts himself or infringes any of the bye-laws or who is a lunatic and if such a person is a tenant or his servant, he may, subject to the approval of the President, prevent him from further carrying on any trade or business in any Municipal Market or occupying any stall or shop therin

25 No person shall bring a dog into the municipal markets All stray dogs inside the markets will be driven-out

26 No person shall remove any meat or offal from the market without fully wrapping it in cloth or paper

27 No person shall permanently live in the markets

28 No person shall be allowed to bathe or wash his clothes at any well or water-tap inside the markets

29 No person resorting to any Municipal Markets and being in-charge of any vehicle, cart or truck or any horse or any other beast of burden shall cause or allow such vehicle or beast to stand within the premises of the market except at the places set apart for the purpose

30 Whoever obstructs the Market Sargeant or his servants or any other Officer of the Municipality in the performance of his duties in the Market shall incur the penalty provided in Section 186, I P C

31 Whoever contravenes the Bye-laws Nos 1, 3, 8, 10, 15, 16, 17, 18, 20, 22, 26, 27, 28, 29 & 30 shall on conviction before a Magistrate, be liable to pay a fine not exceeding ~~to~~ Rs 50/-

32. Any person who opens or use a private market or shop for the sale of meat or fish intended for human food or a private market or shop for the sale of fruits or vegetables without obtaining a license therefor or is guilty of Bye-law No 1, shall on conviction before a Magistrate be liable to pay a fine extending to Rs.100/- and to a further fine which may extend to Rs 5/- for everyday after such conviction during which he continues to so use it "PRIVATE MARKET" shall mean a group of two or more shops situated contiguous to each other and owned by one and the same person

33. The following shall be the fee to be paid for the license referred to in the bye-laws No.32 in addition to any tax or ground rent that may be leviable according to these rules

For the sale of meat in retail shops			Rs 20-0-0 per Annum
-do-	Fish	-do-	10-0-0 "
-do-	Salt Fish	-do-	10-0-0 "
For opening a private market for the sale of fruits & vegetables			@ Rs 2-0-0 Minimum and Maximum Rs.4/- per annum for each shop or stall in the market

34 Every such license shall expire on the 30th June, in each year It shall be granted only in such localities as are at a distance from the public markets or in the event of there being no place in the public markets It shall be in the form mentioned in Schedule B annexed subject to the conditions mentioned therein

35 The Municipal Council shall have power after previous publication and approval of Government to alter, vary, modify or add to the schedule of rents or gate fee payable in bye-laws Nos 4, 11, & 33 supra.

President,
Town Municipal Council,
Shimoga.

MSP

2 Civil 12

SCHEDULE "A"

SHIMOGA TOWN MUNICIPALITY

1 Rent for each stall, shop, sittings for cases ~~in bye-law No 4~~
(i) Vegetable Market
Minimum of Rs 2/- and Maximum of Rs 4/- per mensem
(ii) Mutton Stalls Minimum Rs 7/- Maximum 20/- per mensem
~~xxxxxx as~~ The Council or the President may fix in cases of necessity, reasonable rent or higher rent than the maximum ~~having regard to the demands and other circumstances~~ mentioned above having regard to the demands or the expenditure to be incurred by the Municipality or other circumstances of each case

2 Ground rent for cases in bye-law No 10

For an area of 15 Sq feet	One anna
For auction sales for every 100 Sq feet	Rs 5/-

3 Levy of fees on each head load for cases in bye-law No 11

		Rs	a	p
1	One head load	0	0	3
2	One Animal load	0	0	6
3	One single bullock cart load	0	1	0
4	One double bullock cart load	0	2	0

President,
Town Municipal Council,
Shimoga

SCHEDULE B"

SHIMOGA TOWN MUNICIPALITY

Book No **License No** _____

Granted under the provisions of Sec 48 (1) & (b) and 78(3) of the Town Municipal Regulation VIII of 1933 subject to the undermentioned Conditions

To

For _____ at premises No _____

For the year ending 30th June 19_

(2) A fee of Rs _____ has been this day received

(3) This license is not transferable

Particulars of license

Name _____

Father's name _____

Caste _____

Trade _____

Address _____

Remarks _____

OFFICE OF THE MUNICIPAL COUNCIL

Collector of Municipal Taxes

Date 193

President

CONDITIONS

1 The license shall be in force for a period of one year It shall expire on the 30th June of the year for which it was granted But the currency of license may be renewed previous to its expiration and on payment of second fee provided always that where a renewal is applied for as aforesaid, the period of its currency shall whether the application is eventually granted or refused be deemed to include the interval during which the application was pending disposal

2 This license is not transferable

3 The licensee shall strictly obey all Rules and Bye laws of the Municipality in this behalf They shall strictly observe the conditions specified in Schedules "C" & "D" of the model bye (laws) annexed hereto

4 Any breach of such Rules or Bye laws will entail the suspension or withdrawal of the license and the prosecution of the offender under Section 158 (4) of Municipal Regulation VIII of 1933

SCHEDULE "C"

Conditions under which the above mentioned licence may be used as a market for the sale of fruit or vegetables

*****

1 That the market or shed be built in accordance with one of the selected plans approved by the President

2 That the licensee keep on the premises such supply of water and such movable receptacles for the reception of refuse, and such buckets, scrubbers, brooms and other implements for cleansing purposes as may be required for the use of the premises as the President from time to time may direct and that the licensee maintain the same always clean and in good repair

3. That the licensee keep the market or shed always clean and in good repair and free from all offensive, noxious or unwholesome matter and shall keep the floor and pointing and slippery areas so as to make it impossible for blood or other liquids to stagnate thereon

4 That the licensee cause the whole of the walls to be cleaned and whitewashed both internally and externally at least once every 3 months and wood and iron fixtures thereon properly washed down with all blood, refuse and garbage to be removed from the premises within 2 hours of the close of each day's business.

5. That the licensee or the manager or keeper on duty at such market for so long as he shall be employed by the President in the licensed premises shall obey all reasonable orders and prevent all nuisances or obstructions in the market or on the approaches thereto etc

6. That the licensee of such market charge for the use of the market hotel no more than the maximum fees stated in the table

7 That the licensee shall at all reasonable hours give the President and any Municipal Councillor the Chief Officer or any employee deputed by the President in this behalf free access to all parts of such shops and every facility in respect of the same.

8 That the licensee shall abide by the provisions of bye-laws No. 16, 17, 18, 21, 22, 23, 25 and 27 of such market or stall in a market

President,
Municipal Council,
Chunce

O

SCHEDULE "D"

Special Bye-laws to be made by the Council

1. The President, the Vice-President, all the Councillors, the Council Officers, the Sanitary Inspector or other persons authorised by the President shall at all times have free access to the shop for the purpose and that the licensee shall be produced when demanded by any such officer or person.

2. The licensee shall not sell or offer for sale any meat or meat preparation unless the same is free from such blowing or other artificial means as are likely to cause it to appear to be or to be better or fresher than it really is.

3. The licensee shall at all times keep the shop, cleansing and cooling chamber and slaughter house clean and shall keep the premises, the several parts of the premises cleansed and sweet as to make it impossible for blood and other liquids to stagnate therein.

4. The licensee shall cause the whole of the walls to be cleansed with lime-wash or other suitable at least once every three months and shall cause all woodwork and ironwork to be properly scraped or painted at such times as may be directed by the President.

5. The licensee shall cause the floors of pavement and furniture to be thoroughly washed every day and all blood, rubbish, or garbage to be removed from the premises at the close of each day's business.

(1) The occupier of every meat shop or meat stall shall not allow the floor of the premises or the floor of the meat bring or allow to remain thereon any block, bench, box or other furniture except such as are raised at least one foot from the ground by legs.

(2) Every occupier of such meat shop or stall shall keep all meat except such as is hung for sale and shall not place it in any box or closed receptacle.

(3) The occupier of such meat shop or meat stall shall not allow to remain any strings or cords or any bones, skins, fat, waste or offal, save only bones or other ornaments likely to attract flies.

(4) Every occupier of such meat shop or meat stall shall keep the floor and all ways well scrubbed and clean, and the slaughter plane surface shall submit the same to the President to be shown to him the owner is exercising due care to prevent flies from the premises.

(5) Every occupier of such meat shop or meat stall shall become leave the same or cause or permit the public to meat bones as to prevent impossible for dogs or other animals to get at the meat of the

(5a) In the event, occupier of such meat shop or meat stall shall allow any meat (except hards) or cloths to come in contact with such meat.

(6) Every person offending against any of bye-laws 1, 3, 4, 5, 10, 11, 13, 32, 19, or 17, 18, 21, 22, 23, shall for every such offence be liable to a fine not exceeding £20/-

PRESIDENT